

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BILLY RAY O'NEAL.,	)	No. C 12-4236 SBA (PR)
	)	
Plaintiff,	)	
v.	)	<b><u>ORDER OF DISMISSAL</u></b>
	)	
J. REYMONDO, et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Billy Ray O'Neal, a former state inmate, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 10, 2012. On the same date, the Court sent Plaintiff a notice to pay the \$350.00 filing fee or sign and complete this Court's IFP application. (Dkt. 3). On November 27, 2012, the Court mailed to Plaintiff a blank IFP application.

Along with his complaint, Plaintiff filed a motion for reconsideration of the Court's dismissal of Plaintiff's earlier action, O'Neal v. County of San Francisco, No. C 08-4669 SBA. On November 21, 2012, the Court denied the motion for reconsideration.

On December 7, 2012, the Court's mail to Plaintiff containing the November 21, 2012 Order was returned as undeliverable. (Dkt. 5, 6). On December 13, 2012, the Court's mail containing the blank IFP application was also returned as undeliverable. (Dkt. 7). The returned envelopes indicate that Plaintiff was "NIC," or "not in custody."


Pursuant to Northern District Local Rule 3-11 an attorney or party proceeding pro se whose address changes while an action is pending must promptly file and serve upon all opposing parties a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint or strike an answer when: (1) mail

1 directed to the attorney or the pro se party by the court has been returned to the court as not  
2 deliverable, and (2) the court fails to receive within 60 days of this return a written  
3 communication from the attorney or pro se party indicating a current address. See L.R. 3-  
4 11(b).

5 It has now been more than sixty days since the Court's mail was returned as  
6 undeliverable. The Court has not received a notice from Plaintiff of a new address or any  
7 communication from him since he filed his complaint on August 10, 2012. Accordingly, this  
8 action is DISMISSED without prejudice. See L.R. 3-11(b). The Clerk of the Court shall  
9 close the file and terminate all pending matters.

10 IT IS SO ORDERED.

11  
12 DATED: 2-20-13

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14 SAUNDRA BROWN ARMSTRONG  
15 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

BILLY RAY O'NEAL,  
Plaintiff,

Case Number: CV12-04236 SBA

**CERTIFICATE OF SERVICE**

v.

J. REYMUNDO et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 22, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Billy Ray O'Neal #12672920  
San Francisco County Jail  
SF#288973  
850 Bryant Street  
San Francisco, CA 94103

Dated: February 22, 2013

Richard W. Wieking, Clerk  
By: Lisa Clark, Deputy Clerk

**United States District Court**  
For the Northern District of California

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